NEWS ANALYSIS 1-1396 9/4/76
FRED GALVAN

THE ANTI-TERRORIST TIDE RISES

ANNCR:

ONE OF THE MAIN ITEMS ON THE AGENDA OF THE UNITED NATIONS GENERAL ASSEMBLY, SCHEDULED TO MEET IN NEW YORK ABOUT THREE WEEKS FROM NOW IS THE ISSUE OF TERRORISM--AND WHAT THE WORLD COMMUNITY SHOULD DO ABOUT IT. NEWS ANALYST FRED GALVAN HAS THESE OBSERVATIONS:

VOICE:

U.N. SECRETARY-GENERAL WALDHEIM AND SECRETARY OF STATE KISSINGER THIS WEEK ONCE MORE RENEWED THEIR URGENT APPEALS FOR WORLD MEASURES AGAINST INTERNATIONAL TERRORISM. SECRETARY KISSINGER, AT A NEWS CONFERENCE (THURSDAY) FOLLOWING A TALK WITH MISTER WALDHEIM SAID IF THE U.N. DID NOT ACT ON THIS ISSUE, THE U.S. WOULD PROMOTE MEASURES OUTSIDE THE WORLD BODY. AND IN BONN, EIGHTEEN WEST EUROPEAN GOVERNMENTS COMPLETED A DRAFT TREATY PROVIDING SOME CONCRETE STEPS TO COMBAT TERRORISM IN THEIR PART OF THE WORLD. THE EIGHTEEN ARE MEMBERS OF THE COUNCIL OF EUROPE, WHICH MEETS IN STRASBOURG LATER THIS MONTH. THE COUNCIL WILL CONSIDER THE DRAFT THEN.

BOTH DEVELOPMENTS SPELL BAD NEWS FOR AIR PIRATES, BOMB-THROWERS, AND KIDNAPPERS WHO HAVE KILLED AND MAIMED HUNDREDS OF INNOCENT PEOPLE AROUND THE WORLD UNDER THE PRETEXT OF DIRECT POLITICAL ACTION, AND CAUSED UNTOLD AND UNWARRANTED SUFFERING AMONG THEIR RELATIVES AND FRIENDS, AND EVEN UPSET RELATIONS BETWEEN GOVERNMENTS.

THE DRAFTERS OF THE WEST EUROPEAN ANTI-TERRORIST TREATY SAY IT COULD SERVE AS A MODEL FOR MORE EFFECTIVE PROSECUTION IN TERRORISM CASES BY ESTABLISHING IMPORTANT PRECEDENTS IN

EXISTING INTERNATIONAL LAW AND CUSTOM.

INDEED, THE DOCUMENT GOES TO THE HEART OF ONE OF THE ISSUES THAT HAS CLOAKED INTERNATIONAL TERRORISTS WITH A SPURIOUS IMMUNITY UP TO NOW. FOR IT ATTEMPTS TO REMOVE POLITICAL MOTIVATION AS AN ACCEPTED PRETEXT FOR ACTS OF TERRORISM AND, IN EFFECT, LUMPS THEIR PERPETRATORS WITH COMMON CRIMINALS. (OPT) FOR EXAMPLE, THE DRAFT TREATY EXEMPTS FROM CLASSIFICATION AS POLITICAL CRIMES SUCH ACTIONS AS THOSE IN WHICH A BOMB, HAND GRENADE, ROCKET, AUTOMATIC WEAPONS OR LETTER BOMBS ARE USED. IT ALSO PROVIDES FOR THE EXTRADITION AS COMMON CRIMINALS OF THOSE PERSONS CHARGED WITH PLANE HIJACKINGS, KIDNAPPINGS OR ASSASSINATION ATTEMPTS. THE DRAFT TREATY HAS BEEN APPROVED BY THE JUSTICE MINISTERS OF ALL EIGHTEEN MEMBERS OF THE COUNCIL OF EUROPE, AND THEY INCLUDE ALL THE MAJOR NON-COMMUNIST COUNTRIES WITH THE EXCEPTION OF FINLAND. (END OPT)

IN ADDITION TO ITS PRECEDENT-SETTING PRINCIPLE MAKING TERRORISM A COMMON CRIME, THE DRAFT TREATY ALSO REQUIRES ANY STATE REFUSING TO EXTRADITE A FUGITIVE CHARGED WITH SUCH ACTS TO TRY HIM IN ITS OWN COURTS--IN THE WORDS OF THE DRAFT DOCUMENT "WITHOUT ANY EXCEPTION."

IN SUM, WHAT THE DRAFT TREATY ATTEMPTS TO DO IS TO REMOVE FOR ALL TIME ONE OF THE CAUSES WHY SOME GOVERNMENTS HAVE HITHERTO HESITATED IN TAKING FIRM ACTION AGAINST TERRORISTS. (OPT) FOR EXAMPLE, LIBYA'S PREMIER QADDAFI RECENTLY ARGUED AT THE SRI LANKA NON-ALIGNED CONFERENCE THAT HIS GOVERNMENT'S PRACTICE OF GRANTING ASYLUM TO INTERNATIONAL TERRORISTS IN THE PAST HAS BEEN BASED ON HUMANITARIAN GROUNDS. (END OPT) THE WEST EUROPEAN DRAFT TREATY WOULD REMOVE THAT PRETEXT--AND PUTS IT

IN THE PROPER CONTEXT. FOR THE DOCUMENT EXEMPTS FROM EXTRADITION ANY FUGITIVE HELD BY A COUNTRY IF THAT COUNTRY HAS REASON TO BELIEVE HE WOULD BE PERSECUTED ON RACIAL, RELIGIOUS, NATIONALISTIC OR PURELY POLITICAL GROUNDS WITHOUT PROOF OF HIS HAVING ACTUALLY COMMITTED AN ACT OF TERRORISM.

THE WEST EUROPEAN DRAFT TREATY THUS GOES FAR BEYOND EXISTING AND LESS STRINGENT INTERNATIONAL AGREEMENTS CONDEMNING TERRORISM. AS SUCH IT WILL MERIT SERIOUS DISCUSSION AND ANALYSIS AT THE COMING GENERAL ASSEMBLY SESSION.

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